

## **REMARKS**

### **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 9-13, 15-19, 21-70 and 72-75 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,072,792 issued to Mazur et al. (*Mazur*). Applicant submits claims 9-13, 15-19, 21-70 and 72-75 are not anticipated by *Mazur* for at least the reason set forth below.

#### **Independent Claims 9 and 17**

Independent claim 9 recites, in part, the following:

transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising the two or more signals each transmitted from an antenna element of the two or more antenna elements corresponding to each signal.

Independent claim 17 recites similar limitations.

The Office action cites *Mazur* as teaching transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising a combined signal each transmitted from an antenna element of the two or more antenna elements corresponding to each signal. Whether or not *Mazur* actually teaches the limitations cited in the Office action, which Applicant does not concede, *Mazur* does not teach or disclose transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising the two or more signals (i.e., the same two or more signals that were transmitted in the first waveform as a combined signal) each transmitted from an antenna element of the two or more antenna elements corresponding to each signal, as claimed. Thus, *Mazur* fails to disclose at least one limitation of claims 9 and 17. Therefore, Applicant submits claims 9 and 17 are not anticipated by *Mazur*. Applicant further submits dependent

claims 10-13, 15, 16, 18, 19 and 21 are not anticipated for at least the same reasons  
claims 9 and 17 are not anticipated.

Independent Claim 22

Claim 22 recites, in part, the following:

transmitting a second waveform from two or more antenna  
elements of the plurality of antenna elements, the second waveform  
comprising the two or more signals each transmitted from an antenna  
element of the two or more antenna elements corresponding to each signal.

*Mazur* is cited as disclosing the limitations of claim 22. *Mazur* discusses controlling power levels of bursts of communication signals communicated during selected time slots in a TDMA system. *Mazur* does not discuss or disclose calibration. Furthermore, *Mazur* does not disclose transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising the two or more signals (i.e., the same two or more signals that were transmitted in the first waveform as a combined signal) each transmitted from an antenna element of the two or more antenna elements corresponding to each signal, as claimed. Thus, *Mazur* fails to teach at least one limitation of claim 22. Therefore, Applicant submits claim 22 is not anticipated by *Mazur*.

Independent Claims 28, 47 and 58

Each of claims 28, 47 and 58 recite a data signal and a calibration signal transmitted from an antenna element. *Mazur* is cited disclosing the limitations of claims 28, 47 and 58. However, the cited portions of *Mazur* do not discuss transmitting both a data signal and a calibration signal from an antenna element. Thus, *Mazur* fails to disclose at least one limitation found in each of claims 28, 47 and 58. Therefore, Applicant submits claims 28, 47 and 58 are not anticipated by *Mazur*. Dependent claims

29-46, 48-57 and 59-69 are not anticipated for at least the same reasons claims 28, 47 and 58 are not anticipated.

Claim 70

Claim 70 recites extracting at least a calibration burst from a received burst on a traffic channel. *Mazur* discusses controlling the channels upon which communication signal bursts are transmitted, but *Mazur* does not disclose extracting a calibration burst. Thus, Applicant submits claim 70 is not anticipated by *Mazur*. Claims 72-73 are not anticipated for at least the same reasons claim 70 is not anticipated.

Claim 74

Claim 74 recites inserting a calibration signal into a traffic signal. *Mazur* discusses controlling the channels upon which communication signal bursts are transmitted, but *Mazur* does not disclose inserting a calibration signal into a traffic signal. Thus, Applicant submits claim 74 is not anticipated by *Mazur*. Claims 75 is not anticipated for at least the same reasons claim 70 is not anticipated.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 13 and 20

Claims 13 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Mazur* in view of U.S. Patent Publication No. 2003/0186725 to Miya et al. (*Miya*). Claim 13 depends from claim 9. Claim 20 depends from claim 17. As discussed above, *Mazur* fails to disclose transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising the two or more signals each transmitted from an antenna element of the two or more antenna

elements corresponding to each signal. *Miya* was cited as disclosing transmitting a calibration burst to a user terminal that is operable to use the calibration burst to assist in calibrating the base station. Whether or not *Miya* discloses the limitations cited in the Office action, which Applicant does not concede, *Miya* does not disclose transmitting a second waveform from two or more antenna elements of the plurality of antenna elements, the second waveform comprising the two or more signals each transmitted from an antenna element of the two or more antenna elements corresponding to each signal. Thus, *Miya* fails to cure the deficiencies of *Mazur*. Therefore, Applicant submits claims 13 and 20 are not obvious in view of *Miya* and *Mazur*.

#### Claim 71

Claim 71 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Mazur* in view U.S. Patent No. 5,592,490 issue to Barrat et al. (*Barrat*). Claim 71 depends from claim 70. As discussed above, *Mazur* fails to disclose extracting a calibration burst. *Barrat* was cited as disclosing calculating a spatial signature related measurement using the calibration burst. Whether or not *Barrat* discloses the limitations cited in the Office action, which Applicant does not concede, *Barrat* does not disclose extracting a calibration burst. Therefore, Applicant submits claim 71 is not obvious in view of *Barrat*.

#### CONCLUSION

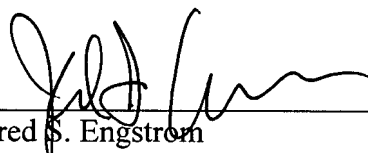
For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 9-13 and 15-75 are in condition for allowance and such

action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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